IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11823 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NAVINCHANDRA @ INDU S/O.CHATURBHAI MADHAVDAS PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 11823 of 2004

MR MURALI N DEVNANI for Petitioner No. 1

MR M A SHEIKH for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 24/09/2004

ORAL JUDGEMENT

1. Rule. Mr.M A Sheikh learned Central Government

Standing Counsel appears and waives service of rule on behalf of the respondent. By consent of the parties, the petition is heard finally today.

2. The grievance of the petitioner is that he has applied for passport before the respondent-authority. However, due to some discrepancy regarding his birth date mentioned in the Birth Certificate and the School Leaving Certificate, he has not been issued passport as his birth date is incorrectly mentioned as 01/03/1940 instead of 04/03/1940. The petitioner has stated in the petition that he has made an application to the respondent for carrying out the said correction in the passport. However, there is no response from the respondent with respect to his application.

3. Mr.M N Devnani, learned advocate for the petitioner has submitted that the correct date of birth of the petitioner is 04/03/1940 which is mentioned in the Birth Certificate. So far as this aspect is concerned, this Court cannot find out the exact birth date of the petitioner.

4. Since the application of the petitioner is already pending for issuance of passport, the passport-authority may take appropriate decision for issuing passport to the petitioner, after considering his application for change of date of birth, as submitted in his application to the Authority.

5. Considering the submissions on behalf of the parties, I dispose of this petition by directing the passport authority to consider the application of the petitioner for correction of the date of birth in the passport, after verifying the documents and if they are found to be genuine, the same shall be carried out. However, the passport authority may take appropriate decision in this connection as expeditiously as possible and preferrably within three months from the date of receipt of this order.

6. With these observations and directions, the petition stands disposed of. Rule is made absolute to the above extent.

Direct Service is permitted.

(K. S. Jhaveri, J.)

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